



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

June 21, 2011

✓ Mr. Hector Rivera

REDACTED

Warning Letter Re: FPPC No. 11/458, Hector Rivera for School Board 2010

Dear Mr. Rivera:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a referral from your filing officer which alleged that you failed to file a Form 410 statement of termination for Hector Rivera for School Board 2010. We have decided to close this case with a warning letter.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to file a Form 410 statement of termination for Hector Rivera for School Board 2010, although you had filed a campaign statement Form 460 on January 31, 2011 whereby you indicated the statement was a "termination statement".

The Act requires committees and candidates to terminate their filing obligations pursuant to the regulations adopted by the commission which insure that a committee or candidate will have no activity which must be disclosed pursuant to the Act subsequent to termination. (Section 84214.) Specifically, to properly terminate a recipient committee the commission requires recipient committees to complete the termination section of a statement of organization (Form 410). (Regulation 18404 (b).) Our investigation concluded that you filed a termination campaign statement Form 460 but failed to file the proper Form 410 statement of termination with the Secretary of State and San Diego County Registrar of Voters to complete the termination process.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your failure to file the required statement of termination Form 410 is a violation of the Act. However, because your committee has no prior history of violating the Act, we have decided to close this matter with a warning.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

Although the Enforcement Division is not seeking a penalty in the current matter, you are still responsible for any late filing fees which may be assessed by your filing officers. (Section 91013.)

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me at (916) 322-5660 with any questions you may have regarding this letter.

Sincerely,

REDACTED

✓ Gary S. Winuk
Chief, Enforcement Division

GSW:jy